

Rechtsgeschichte Legal History

www.rg.mpg.de

<http://www.rg-rechtsgeschichte.de/rg27>

Zitiervorschlag: Rechtsgeschichte – Legal History Rg 27 (2019)

<http://dx.doi.org/10.12946/rg27/232-235>

Rg **27** 2019 232 – 235

Stefan Vogenauer*

Introduction: Two *Oxford Handbooks* on the History of Law

* Max Planck Institute for European Legal History, Frankfurt am Main, vogenauer@rg.mpg.de

Dieser Beitrag steht unter einer Creative Commons Attribution 4.0 International License



Rechtsgeschichte Legal History

www.rg.mpg.de

<http://www.rg-rechtsgeschichte.de/rg27>
Zitiervorschlag: Rechtsgeschichte – Legal History Rg 27 (2019)
<http://dx.doi.org/10.12946/rg27/009-019>

Rg **27** 2019 9 – 19

Inhalt

Dieser Beitrag steht unter einer Creative Commons Attribution 4.0 International License



António Manuel Hespanha †	22	Thirty Years of Studies on Prosopography of Portuguese Early Modern Jurists
Jean-Louis Halpérin	51	A German Linkage Between Criminal Law and Law of Nations as Academic Disciplines

Fokus focus

Tridentine Marriage

Benedetta Albani	66	Global Perspectives on Tridentine Marriage. An Introduction
David L. d'Avray, Werner Menski	71	Authenticating Marriage: The Decree <i>Tametsi</i> in a Comparative Global Perspective
Ana de Zaballa Beascochea	90	Indian Marriage Before and After the Council of Trent: From pre-Hispanic Marriage to Christian Marriage in New Spain
Pilar Latasa	105	Tridentine Marriage Ritual in Sixteenth- to Eighteenth-century Peru: From Global Procedures to American Idiosyncrasies
Robert C. Schwaller	123	The Spiritual Conquest of Marriage: How the Holy Office and Council of Trent Attempted to Reform the Laity of New Spain
María Elena Imolesi	131	Doing the Same But With Different Arguments: Matrimonial Dispensations in the Indigenous and Spanish Population of Colonial Charcas
Hélène Vu Thanh	143	Introducing Tridentine Marriage: The Jesuits' Strategy in Japan (Sixteenth and Seventeenth Centuries)
Marya Svetlana T. Camacho	153	Marriage in the Philippines After the Council of Trent (Seventeenth to Eighteenth Centuries)
Cecilia Cristellon	163	The Roman Congregations and the Application of the <i>Tametsi</i> as an Instrument of Their Policies Towards Mixed Marriages in Europe (1563–1798)

Thomas Duve, Fupeng Li	174	Translating Weimar. Introductory Remarks
Leticia Vita	176	Weimar in Argentina: a Transnational Analysis of the 1949 Constitutional Reform
Carlos M. Herrera	184	Weimar, the South American Way
Xin Nie	195	The Chinese Constitutional Social Welfare Articles Before 1949 – Comparison With the Weimar Constitution
Fupeng Li	207	Becoming Policy. Cultural Translation of the Weimar Constitution in China (1919–1949)
Donal K. Coffey	222	The Influence of the Weimar Constitution on the Common Law World

Stefan Vogenauer	232	Introduction: Two <i>Oxford Handbooks</i> on the History of Law
Caspar Ehlers	237	Multiple Universen der Rechtsgeschichte
Zeynep Yazici Caglar	241	Comparative Legal History – But How?
Anselm Küsters, Laura Volkind, Andreas Wagner	244	Digital Humanities and the State of Legal History. A Text Mining Perspective
Luisa Stella de Oliveira Coutinho Silva	260	Sexy Legal History: Mapping Sexualities in a Handbook
Victoria Barnes, Sean Bottomley, Anselm Küsters	265	Economic History as Legal History
Mariana Dias Paes	271	What About African Legal History?
Christoph H.F. Meyer	276	Zweimal mittelalterliches Kirchenrecht
José Luis Egío García	280	Towards a New Narrative of Natural Law Thinking in Early Modern Scholasticism
Aleksi Ollikainen-Read	284	Paradigm Choices in Anglo-American Law of Obligations
Peter Collin	286	How to Describe the Law of the Welfare State?
Gerd Bender	288	Im Labyrinth
Jan-Henrik Meyer	291	A Plea for More Historical Awareness in Environmental Law

Guido Pfeifer	296	(No) Hard Feelings! Philipp Ruch, »Ehre und Rache«
Karla Escobar	297	Agresivamente histórico y global John Brooke et al. (eds.), State Formations
Georg May	300	Kanonistik im Spiegel von Kanonisten Philipp Thull (Hg.), 60 Porträts aus dem Kirchenrecht
Elisabetta Fiocchi Malaspina	305	Forme di proprietà nel tempo e nello spazio Georgy Kantor, Tom Lambert, Hannah Skoda (eds.), Legalism: Property and Ownership
Daniel S. Allemann	308	Eine Genealogie spanischen Rechtsdenkens Rafael Domingo, Javier Martínez-Torrón (Hg.), Great Christian Jurists in Spanish History
Manuela Bragagnolo	310	Un atto culturale Hugo Beuvant et al. (dir.), Les traductions du discours juridique
Roland Scheel	312	Vom langsamen Werden dänischer Königsmacht Nils Hybel, The Nature of Kingship c. 800–1300
Philipp N. Spahn	315	Tripartite Legal Knowledge Stephan Dusil, Wissensordnungen des Rechts
Caspar Ehlers	317	Kanonisches Recht nach dem Investiturstreit Melodie H. Eichbauer, Danica Summerlin (Hg.), The Use of Canon Law in Ecclesiastical Administration, 1000–1234
Caspar Ehlers	319	Wer spiegelt wen? Lucas Wüsthof, Schwabenspiegel und Augsburger Stadtrecht
Caspar Ehlers	320	Flexible Prediger Cornelia Linde (Hg.), Making and Breaking the Rules
Victoria Barnes	322	Big Business Dave De ruysscher, Albrecht Cordes et al. (eds.), The Company in Law and Practice

- | | | |
|--|-----|---|
| Albrecht Cordes | 324 | Zünfte und Wirtschaftswachstum
Sheilagh Ogilvie, <i>The European Guilds. An Economic Analysis</i> |
| Andrzej Gulczyński | 327 | Ein Kompendium in Wort und Bild
Heiner Lück, <i>Der Sachsenspiegel</i> |
| Thomas Simon | 329 | Ohne Gleichen: württembergische »Ehrbarkeit«
Nina Kühnle, <i>Wir, Vogt, Richter und Gemeinde</i> |
| Bernd Kannowski | 332 | <i>Vae cupidae legum iuventuti</i> – jugendgefährdendes Schrifttum!
Gabriele von Olberg-Haverkate, <i>Die Textsorte Rechtsbücher</i> |
| Stéphane Péquignot | 336 | Pour une relecture des traités diplomatiques de la fin du Moyen Âge
Gesa Wilangowski, <i>Frieden schreiben im Spätmittelalter</i> |
| Daniel S. Allemann | 338 | Re-reading Vitoria
Francisco de Vitoria, <i>Relecciones jurídicas y teológicas</i> |
| Pamela Alejandra Cacciavillani | 341 | La importancia de no ser llamados <i>Indigenous Peoples</i>
Irene Watson (ed.), <i>Indigenous Peoples as Subjects of International Law</i> |
| Petr Kreuz | 342 | Aus der polnischen Kriminalitätsforschung
Pawel Klint, Daniel Wojtucki (Hg.), <i>Przestępczość kryminalna w Europie Środkowej i Wschodniej</i> |
| Otto Danwerth | 345 | Rebels With a Cause in Spanish America
Gregorio Salinero, <i>Hombres de mala corte</i> |
| Luisa Stella de Oliveira Coutinho Silva | 349 | Vozes femininas em espaços imperiais
Nora E. Jaffary, Jane E. Mangan, <i>Women in Colonial Latin America, 1526 to 1806</i> |
| Heinz Mohnhaupt | 351 | »Wer Hoheitsrechte hat, visitiert«
Anette Baumann, <i>Visitationen am Reichskammergericht</i> |

Claudia Curcuruto	353	Rechtseinheit durch Reichsgerichte Josef Bongartz et al. (Hg.), Was das Reich zusammenhielt
Osvaldo Rodolfo Moutin	355	Barely Known Old Legal Texts Come to Light Juan Fernando Cobo Betancourt, Natalie Cobo (eds.), La legislación de la arquidiócesis de Santafé
Manuel Bastías Saavedra	357	Property and the Early Modern Condition Alan Greer, Property and Dispossession
Thomas Duve	359	Verstanden? Brian P. Owensby, Richard J. Ross (Hg.), Justice in a New World
Michele Graziadei	362	Not on the Other Side of the Channel! Martin Flohr, Rechtsdogmatik in England
Rafael Diego-Fernández Sotelo	365	El concepto de <i>formación protoestatal</i> en Hispanoamérica Horst Pietschmann, Acomodos políticos, mentalidades y vías de cambio
Tilman Reppen	368	Why Obey? Stefan Schweighöfer, Die Begründung der normativen Kraft von Gesetzen bei Francisco Suárez
Francesco Giuliani	370	A Global Perspective on <i>De Propaganda Fide</i> Giovanni Pizzorusso, Governare le missioni, conoscere il mondo nel XVII secolo
Manuela Bragagnolo	372	Probabilmente moralmente legittime Stefania Tutino, Uncertainty in Post-Reformation Catholicism
Albrecht Cordes	375	CHILE und die Geschichte des Versicherungsrechts Phillip Hellwege (Hg.), A Comparative History of Insurance Law in Europe ders., The Past, Present, and Future of Tontines ders., A History of Tontines in Germany
Gustavo César Machado Cabral	378	Clerical Misconduct in Colonial Brazil Pollyanna Gouveia Mendonça Muniz, Réus de Batina

Filippo Ranieri	380	Englische Verfassung <i>à la française</i> Tanguy Pasquier-Briand, La réception de la Constitution anglaise au XIX ^e siècle
Stefan Kroll	384	Zerbrochen am Kontext Jennifer Pitts, Boundaries of the International
Justine Keli Collins	386	To be or not to be a True Born Englishmen Dana Y. Rabin, Britain and its Internal Others
Heinz Mohnhaupt	387	»Am Ende stritt man um Akten« Alexander Denzler, Über den Schriftalltag im 18. Jahrhundert
Carlos Petit	390	Luces y sombras sobre la <i>Sombra de Vitoria</i> Ignacio de la Rasilla del Moral, In the Shadow of Vitoria
Mariana Dias Paes	392	Novas perspectivas para uma História Atlântica do Direito Mariana Pinho Candido, Fronteiras da escravidão Cristina Nogueira da Silva, A construção jurídica dos territórios ultramarinos portugueses Flávia Maria de Carvalho, Sobas e os homens do rei
Mathias Reimann	397	How the United States Failed to Establish a »Government of Laws« James R. Maxeiner, Failures of American Methods of Lawmaking
Paolo Becchi	401	Was ist uns Thibaut? Christian Hattenhauer et al. (Hg.), A.F.J. Thibaut (1772–1840). Bürger und Gelehrter
Adriane Sanctis de Brito	404	In the Name of Civilisation Michel Erpelding, Le droit international anti-esclavagiste des »nations civilisées«
Matthias Schwaibold	406	Vorgebliche Antworten auf eine falsche Frage Daniel Arne Wyss, Wie viel Bluntschli steckt in Huber?
Maddalena Burelli	410	Una dichiarazione di indipendenza dimenticata Lucrecia Enríquez, Historia, memoria y olvido del 12 de febrero de 1818

Raquel R. Sirotti	412	Built to Colonize Dior Konaté, Prison Architecture and Punishment in Colonial Senegal
Bruno Lima	414	Liberated Africans With Rights? Beatriz Mamigonian, Africanos livres: a abolição do tráfico de escravos no Brasil
Christoph Resch	416	Vertragsgeschichte mit Charles Dickens Anat Rosenberg, Liberalizing Contracts. Nineteenth Century Promises
Michael Stolleis	418	»Im Reiche und in den Ländern müssen nach Maßgabe der Gesetze Verwaltungsgerichte ... bestehen« (Art. 107 Weimarer Reichsverfassung) Karl-Peter Sommermann, Bert Schaffarzik (Hg.), Handbuch der Geschichte der Verwaltungsgerichtsbarkeit
Leticia Vita	420	Volver a los clásicos, volver a Sinzheimer Otto Ernst Kempfen, Hugo Sinzheimer
Simon Groth	424	Wie wir wurden, wer wir waren Johannes Liebrecht, Die junge Rechtsgeschichte
Milan Kuhli	426	Diskursgeschichte des Völkerstrafrechts Annette Weinke, Gewalt, Geschichte, Gerechtigkeit
Michael Stolleis	429	Der Strom kommt aus der Steckdose Dirk van Laak, Alles im Fluss. Die Lebensadern unserer Gesellschaft
Warren Swain	432	»The narrow ways of English folk« Mark Lunney, A History of Australian Tort Law 1901–1945
Valeria Vegh Weis	434	»Haz lo que digo y no lo que hago« Daniel Brückenhaus, Policing Transnational Protest
Philipp Siegert	436	Öffentliches Recht in Frankreich, 1914–1918 Elina Lemaire (Hg.), La Grande Guerre et le droit public Comité d'Histoire du Conseil d'État (Hg.), Le Conseil d'État et la Grande Guerre

- Anna Clara Lehmann Martins** 439 A »diabolical Constitution« in Mexico
Carmen-José Alejos Grau, Una historia olvidada e inolvidable
- Rahela Khorakiwala** 441 The Historicity of Law in India
Aparna Balachandran, Bhavani Rashmi Pant (eds.), Iterations of Law: Legal Histories from India
- Marcelo Neves** 443 Constituição de Weimar, presente!
Udo Di Fabio, Die Weimarer Verfassung
Horst Dreier, Christian Waldhoff (orgs.), Das Wagnis der Demokratie
- Stefan Kroll** 446 Does the Present Matter?
Marcus M. Payk, Frieden durch Recht?
- Hendrik Simon** 448 Das Alte in der neuen Ordnung
Oona A. Hathaway, Scott J. Shapiro, The Internationalists
- Jasper Kunstreich** 451 Against Theory?
Felix Lange, Praxisorientierung und Gemeinschaftskonzeption: Hermann Mosler
- Thomas Clausen** 453 From Prussia to the People's Court
Tilman Pünder, In den Fängen des NS-Staates

Anette Baumann 458 Visuelle Evidenz.
Beobachtungen zu Inaugenscheinnahmen und
Augenscheinkarten am Reichskammergericht
(1495–1806)

Abbildungen 462 illustrations

Abstracts 465 abstracts

Autoren 472 contributors

Stefan Vogenauer

Introduction: Two *Oxford Handbooks* on the History of Law

You wait ages for a bus, the saying goes, and then two (or three) come along at once. A similar feeling set in when Oxford University Press published two volumes on legal history in its *Oxford Handbooks* series within the space of four weeks last year. They are a welcome addition to the prestigious and well-established series that now boasts hundreds of volumes, including around 50 on history and over three dozen on law. The latter do not only cover established sub-disciplines of legal studies, such as jurisprudence and philosophy of law (2002), comparative law (2006, 2nd ed. 2019), international trade law (2009), the law of the sea (2015), European Union law (2015), criminal law (2014) and intellectual property (2018), but also more recent and emerging fields, including international environmental law (2007), empirical legal research (2010), behavioural economics and law (2014), international adjudication (2013), international climate change law (2016) and law and economics (3 vols., 2017). The *Handbooks* have become increasingly specialised with titles focusing on narrow topics such as individual national constitutions (USA, 2015; India, 2016; Canada, 2017) and important, but nevertheless discrete legal issues, for example, US health law (2017) and the sources of international law (2017). The obvious question was why, nearly two decades after the launch of the series, there was such a thing as an *Oxford Handbook of American Sports Law* (2018) but still no volume on the history of law. The absence of such a title was all the more striking in light of the publication of books in the series dealing with individual fields of legal history, such as the *Oxford Handbook of the History of International Law* (2012), the *Oxford Handbook of Roman Law and Society* (2016), the *Oxford Handbook of Carl Schmitt* (2017) and the *Oxford Handbook of English Law and Literature, 1500–1700* (2017).

The gap has now been filled, one might even say crammed, with two volumes, the *Oxford Handbook of European Legal History* and the *Oxford Handbook of Legal History*, published in July and August 2018, respectively. Both were co-edited by Markus D. Dubber (Toronto), in the first instance with Heikki Pihlajamäki (Helsinki) and Mark Godfrey (Glas-

gow), in the second with Christopher Tomlins (Berkeley). Each *Handbook* runs to nearly 1200 pages and they come to a combined total of 105 chapters, six of which are co-authored. Most of the authors, some of which contributed to both volumes, are relatively senior and well-established, with many of them being true authorities on the topics they deal with.

The coverage is vast. The *Oxford Handbook of Legal History*, with its 57 chapters, is divided into five parts. Part I (»Contexts: Locating Legal History«) looks at the intersection of legal history with other disciplines, such as philosophy, comparative law, literature and rhetoric. Parts II and III (»Approaches: Conceptualizing Legal History« and »Perspectives: Legal History in Modern Legal Thought«) present different methodologies and perspectives, ranging from social to economic, intellectual and gendered histories, including discussions of particular key authors and certain »schools«, such as Marxism, formalism and realism. Part IV (»Traditions: Tracing Legal History«) covers a variety of legal traditions, for example, Roman law, canon law, the common law, Jewish law, Chinese law and the indigenous laws of Australia and Latin America. Part V (»Illustrations: Doing Things with Legal History«) focuses on the histories of specific areas of law, ranging from public law to European Union law, and what might be called applied legal history in adjudicatory contexts.

The 48 chapters of the *Oxford Handbook of European Legal History* are spread across six parts, with the first addressing historiographical and methodological approaches and the others dealing with different periods: ancient law and the early middle ages (Part II), the high and late middle ages (Part III), the early modern period in Europe and in various empires, including those extending to other parts of the world (Parts IV and V) and the modern period from the 19th century onwards (Part VI).

The aims pursued by the editors of both volumes are ambitious. They attempt nothing less than to »capture the glorious variety of research on legal history going on around the world today«

(*Legal History*, v) and to »update« the concept of European legal history by broadening the geographical focus to include both the common law and developments outside the European continent. Both volumes explicitly wish to adopt a broad international and comparative perspective, and one of them promises not merely to reflect the state of the discipline but also to shape it (*European Legal History*, v).

Given the enormous array of themes, approaches and periods covered, most reviewers would be defeated by the task of assessing whether the two volumes live up to their self-imposed goals. The two editors of this journal therefore decided to rely on the collective expertise assembled at the Max Planck Institute for European Legal History in Frankfurt. We invited all our PhD students, post-docs and senior scholars to present an overview of one or more of the book chapters at one of our monthly plenary sessions. Subsequently, 15 of them, including a sociologist, a political scientist, a philosopher and a couple of economic historians, agreed to turn their presentations into short review articles. We make them available as a dedicated *Forum* section in the following pages of the present volume of *Rechtsgeschichte – Legal History*.

Some contributors to this *Forum* look at clusters of articles in the *Handbooks* with a view to tracing overarching features of legal historiography. These include Caspar Ehlers and Zeynep Yazici Caglar, who are interested in what we actually mean when we talk about »European« and »comparative« legal history. Ehlers sets out to find common threads in the five introductory chapters to the *Handbook of European Legal History* (Whitman, Rückert, Lessaffer, Modéer, Duve), all of which approach the notion and the function of European legal history from different angles. Yazici Caglar undertakes a similar attempt with regard to the two articles dealing with comparative legal history, one in each of the two handbooks (Modéer, Schmidt). She adds some reflections on »doing« comparative legal history, and doing so beyond Europe, from her first-hand experience in the Frankfurt-based Max Planck Research Group »Translations and Transitions«.

Three further contributions address overarching methodological issues. Anselm Küsters, Laura Volkind and Andreas Wagner scrutinise both *Handbooks* for discussions of digital methods in legal history. In doing so, they apply the method of structural topic modelling. Luisa Stella de Oliveira

Coutinho Silva examines how the *Handbook of Legal History* takes into account the findings of gender studies, feminist history and LGBTIQ legal history. Victoria Barnes, Sean Bottomley and Anselm Küsters explore the relationship between legal history and economic history. Taking the article in the *Handbook of Legal History* (Fleming) as a mere point of departure, they develop a broad overview of the various intersections and thus point towards fascinating further areas of research.

Other contributions to this *Forum* focus more strictly on specific world regions, individual periods or particular thematic areas of legal history. Mariana Dias Paes looks out for traces of African legal history across the two volumes; Christoph H.F. Meyer offers his views on each *Handbook's* main article on medieval canon law (Clarke, Shoemaker); José Luis Egío García assesses the chapter on natural law in early modern legal thought (Ibbetson); Aleksi Ollikainen-Read explores the coverage of the piece on the Anglo-American law of obligations (Lobban); Peter Collin and Gerd Bender analyse the article on the law of the welfare state (Aguilera-Barchet) from the perspectives of the history of social law and employment law, respectively; Jan-Henrik Meyer engages with the chapter on the history of environmental law (Schorr).

The overall message is mixed. There is, of course, lots of praise and sheer awe of what has been achieved. By summarising the state of the art on various topics, many of the handbook chapters make important contributions to legal historiography. However, as might be expected, many of our contributors note gaps in the coverage of individual topics, frequently those that they themselves specialise in. Ehlers, for example, notes that none of the five articles mapping out the notion of European legal history mentions the pan-European phenomenon of the *leges barbarorum*. Reading between the lines of C.H.F. Meyer's contribution, it appears that he would have appreciated more information on canon law in the early middle ages. Egío would have preferred more information on how natural law pervaded legal practice rather than only the writings of the great jurists. Ollikainen-Read laments the highly specific focus on discrete issues of the laws of contract and tort in a chapter that, according to its title, is supposed to cover the entire law of obligations. Bender and Collin observe that only some of the many facets of

the legal history of the welfare state have been touched upon.

Perhaps more importantly, those contributors who looked out for novel, interdisciplinary and non-Eurocentric approaches were often disappointed. Africa is not made the subject of a proper discussion as such, references to its legal history are limited and somewhat random and are mostly made through the lens of colonialism and imperialism. Discussion of digital methods throughout the two volumes is cursory and, again, somewhat arbitrary (it seems as if a planned chapter on »Legal History and Digital Humanities« was dropped). Economic issues and perspectives are hardly addressed across the various chapters; those of gender, feminism and LGBTIQ are explicitly attended to in three chapters but mostly confined to a Western outlook on gender.

One of the overarching issues that was noted by many of our contributors and also frequently raised in the discussions in our plenary sessions is the provenance of the authors of the handbook articles. Nearly half of the 61 authors contributing to the *Oxford Handbook of Legal History* are based in the United States, almost a third from other English-speaking countries and 15 per cent from Israel, a jurisdiction with a thoroughly »Americanised« brand of legal scholarship. Countries that have massively contributed to legal history in the past, such as France, Italy and Spain, are not represented at all. The dominance of the Anglo-sphere is much less pronounced in the *Oxford Handbook of European Legal History*, with only a third of the authors hailing from the respective jurisdictions. Instead, there is a bias towards German and Finnish scholars, as can be seen from the following table.

Even within the countries mentioned above, the authorship is not always particularly diverse, with nearly all the Israeli authors being based at Tel Aviv and a cluster of the German contributors working in Frankfurt.

Institutional affiliation does, of course, not equate national or regional background and expertise. Many of the *Handbooks'* authors are equally

at home in the legal history of their country of origin and the history of law in one or more other countries. To make the point it suffices to mention the names of Duve, Reimann and Whitman. However, it is striking that two books that set out to overcome the narrow and Eurocentric approach to legal history do not feature a single author from Africa, Asia or Latin America or, more broadly, the Global South. Overall, the Western World and the Global North remain the frame of reference.

Similarly, the gender balance of the authors is far from ideal, as was already noted with some irritation in the Legal History Blog;¹ while there are 21 female authors contributing to the *Oxford Handbook of Legal History*, the companion volume features only three female colleagues.

The present reviewer, who has some experience with editing large scale projects, is perhaps slightly more cautious in criticising the composition of the

	Oxford Handbook of Legal History	Oxford Handbook of European Legal History	Total
United States	29	6	35
Canada	5	2	7
Australia	3	0	3
New Zealand	1	1	2
United Kingdom	10	8	18
Israel	9	0	9
Germany	2	13	15
Finland	1	5	6
Italy	0	4	4
The Netherlands	0	3	3
Belgium	0	3	3
France	0	2	2
Luxembourg	1	0	1
Portugal	0	1	1
Spain	0	1	1
Sweden	0	1	1
Total	61	50	111

1 Update: Oxford Handbook of European Legal History, in: Legal History Blog, 9 October 2018, <https://legalhistoryblog.blogspot.com/2018/10/update-oxford-handbook-of-european.html>.

authorial teams. All editors have to invite authors from a relatively small pool of writers that may have more members in long-established centres of research than elsewhere. The pool will also reflect the prevailing gender balance in higher education, deplorable as it may be. Finally, not all authors who are invited accept the invitation to contribute, and not all those who accept actually deliver: the stereotype of editors as grandstanding and all-powerful gatekeepers could not be further from reality. Our *Forum* reflects these inconvenient truths. Since all members of the Frankfurt institute were invited to write a review, our sample of 15 contributors was as self-selective as it gets. However, only five of them are female; two thirds of the contributions were written by Germans (Bender, Collin, Ehlers, Küsters, C.H.F. Meyer, J.-H. Meyer, Wagner) or members of the Institute who joined us from the UK (Barnes, Bottomley, Ollikainen-Read), the others having received their previous education in Argentina (Volkind), Brazil (Coutinho, Dias Paes), Spain (Egío) and Turkey (Yazici Caglar).

I hope that readers will enjoy the following short reviews of individual contributions from the two *Oxford Handbooks*. It is fair to say that no homogeneous picture of legal historical scholarship emerges from them (nor does it from my own reading of the *Handbooks*). The two volumes in question do not adhere to a uniform outlook, a common methodology or an overarching narrative. As such, they represent the state of play of a discipline that has become much more fragmented and multifaceted over the past three decades and that is very much in transition with regard to both the topics covered and the approaches adhered to. They therefore provide a necessarily incomplete, but broadly accurate reflection of the discipline. This is as much as one may expect from the critical reflection of the state of the art that the handbook format requires. The future of legal history will be different again, and the two magisterial volumes offer some tantalising glimpses of the direction that we are heading towards.

